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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/711,992

10/18/2004

Dante Monteverde

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EXAMINER

VAN DOREN, BETH

ART UNIT

PAPER NUMBER

3623

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/711,992	<b>Applicant(s)</b> MONTEVERDE, DANTE	
	<b>Examiner</b> C. Michelle Tarae	<b>Art Unit</b> 3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 October 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/18/04</u> .  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. The following is a Non-Final Office Action in response to the communication received on October 18, 2004. Claims 1-24 are now pending in this application.

#### ***Claim Rejections - 35 USC § 101***

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 1-13 are rejected under 35 U.S.C. 101 based on Supreme Court precedent, and recent Federal Circuit decisions, the Office's guidance to examiners is that a § 101 process must (1) be tied to another statutory class (such as a particular apparatus) or (2) transform underlying subject matter (such as an article or materials) to a different state or thing. *Diamond v. Diehr*, 450 U.S. 175, 184 (1981); *Parker v. Flook*, 437 U.S. 584, 588 n.9 (1978); *Gottschalk v. Benson*, 409 U.S. 63, 70 (1972); *Cochrane v. Deener*, 94 U.S. 780,787-88 (1876).

4. An example of a method claim that would not qualify as a statutory process would be a claim that recited purely mental steps. Thus, to qualify as a § 101 statutory process, the claim should positively recite the other statutory class (the thing or product) to which it is tied, for example by identifying the apparatus that accomplishes the method steps, or positively recite the subject matter that is being transformed, for example by identifying the material that is being changed to a different state.

Here, applicant's method steps, fail the first prong of the new Federal Circuit decision since they are not tied to another statutory class and can be preformed without the use

of a particular apparatus. Thus, claims 1-13 are non-statutory since they may be preformed within the human mind.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-7, 11-16 and 20-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Pomerance (U.S. 7,343,295).

As per claim 14, Pomerance discloses a method for managing Internet consumer complaints comprising:

receiving a complaint from an Internet consumer in electronic format regarding the Internet consumer's interaction with an Internet merchant (col. 3, lines 61-67; col. 4, lines 58-63; Consumers may register complaints with a dispute system.);

forwarding the complaint to the Internet merchant for an Internet merchant's response (col. 4, lines 1-6; col. 4, lines 63-67; col. 5, lines 59-67; The complaint is forwarded to the merchant in that the merchant's rules/policies for handling complaints are reviewed.);

receiving any Internet merchant's response (col. 4, lines 7-12; A result of the review of the merchant's rules/policies for handling complaints is determined.);

displaying the complaint and any Internet merchant's response on a publicly accessible Internet site for a plurality of Internet users' opinions of righteousness (col. 5, lines 6-9; col. 6, lines 48-66; Merchants' records are made public.);

receiving at least one of the Internet users' opinions of righteousness in electronic format (col. 5, lines 2-15; The Internet users' opinions of righteousness are reflected in whether the user has accepted the merchant's offer of a resolution.); and

displaying the Internet users' opinions of righteousness on the Internet site as a numerical representation (col. 5, lines 2-15; The status of the case, which reflects whether or not the Internet user's opinion of the resolutions was fair, is displayed as part of the merchant's public record.).

As per claim 15, Pomerance discloses the method as claimed in claim 14 further comprising verifying the origination of each Internet user's opinion of righteous (col. 5, lines 30-46; Figure 3B; User's must register and receive a unique identifier in order to submit a complaint, thereby enabling the system to verify the identity of the user submitting the complaint.).

As per claim 16, Pomerance discloses the method as claimed in claim 15 further comprising displaying the opinions of users other than the consumer or merchant (col. 5, lines 2-15; The status of the case, which reflects whether or not Internet users' opinions of resolutions were fair, is displayed as part of the merchant's public record.).

As per claim 20, the method as claimed in claim 14 wherein the Internet users' opinions of righteousness includes an analysis of the credibility of the Internet merchant and the Internet consumer (See Table 10 in col. 23-24, where a user complaint includes their feelings about the merchant and whether the user believes they are being treated fairly.).

As per claim 21, the method as claimed in claim 14 wherein the Internet users' opinions of righteousness includes an analysis of the Internet user's prior interaction with the Internet merchant (col. 7, lines 13-18; The complaint registered by the user may include information related to prior interaction with the merchant such as purchases and membership of buyer's clubs.).

As per claim 22, the method as claimed in claim 14 wherein the step of forwarding the complaint to the Internet merchant for the Internet merchant's response includes automatically forwarding the complaint to the Internet merchant (col. 4, line 65- col. 5, line 2).

Claims 1-7, 11-13 and 23-24 recite subject matter similar to that already rejected above. Therefore, claims 1-7, 11-13 and 23-24 are rejected on the same basis as claims 14-16 and 20-22 above.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 8-10 and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pomerance (U.S. 7,343,295) and Tewari et al. (U.S. 7,363,361).

As per claims 17-19, Pomerance does not expressly disclose wherein the step of verifying the origination of each Internet user's opinion of righteous includes determining the Internet user's Internet Protocol address of a computer used by the Internet user; comparing the Internet user's Internet Protocol address to an Internet Protocol address assigned to the Internet merchant when the Internet merchant's response was received; or comparing the Internet user's Internet Protocol address to an Internet Protocol address assigned to the Internet consumer when the complaint was received. Tewari et al. discloses using a user's IP address and/or URL to authenticate the user (col. 49, lines 3-17 and 32-33). Therefore, at the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify Pomerance to use a user's IP address and/or URL to authenticate the user as doing so ensures that the user is who they say they are by identifying the computer they are coming from, thereby enhancing the integrity of the complaint system.

Claims 8-10 recite subject matter similar to that already rejected above.  
Therefore, claims 8-10 are rejected on the same basis as claims 17-19 above.

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Martherus et al. (U.S. 7,194,764) discusses verifying identity of a user by comparing the user's IP address to an IP addresses called for by the authorization rule;
- Walker et al. (U.S. 7,383,200) discusses receiving customer feedback about products/services.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to C. Michelle Tarae whose telephone number is 571-272-6727. The examiner can normally be reached Monday – Friday from 8:30am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Beth Van Doren, can be reached at 571-272-6737.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.



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For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/C. Michelle Tarae/  
Primary Examiner, Art Unit 3623

June 20, 2008